

IN RE:

JOSE ANTONIO OLMEDA MIRANDA

DEBTOR(S)

CASE NO. 18-06747-BKT

CHAPTER 13

**TRUSTEE'S REPORT ON CONFIRMATION**

1. The applicable commitment period is: 3 years
2. The liquidation value of the estate is \$: To be determined
3. The general unsecured pool is \$: 0.00

PLAN DATE: December 21, 2018

PLAN BASE: \$54,000.00

TRUSTEE'S COMMENTS AND RECOMENDATIONS DATED: 3/5/2019☐

FAVORABLE

☒

UNFAVORABLE

**1. [X] FEASIBILITY 11 USC § 1325(a)(6):**

Debtor has the month of February in arrears.

**2. [X] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):**

At 341 meeting Debtor showed Amended Schedule I, but it has to be further amended since debtor has to include one attachment of business income and expenses for his cafeteria Navarro's Cafe, which is incorporated and another attachment of business income and expenses for his construction work.

**3. [X] FAILS LIQUIDATION VALUE TEST § 1325(a)(4):**

Schedule A/B disclose JA Constractor business equipment. Debtor to submit a list of equipment for this business.

**4. [X] DOMESTIC SUPPORT OBLIGATION:**

• Post-petition payments § 1325(a)(8): Provide evidence of being current with DSO post-petition payment. Debtor has a private agreement with recipient, Ana Rodriguez, by which debtor has to pay \$400.00. Provide evidence of DSO pos-petition payment from February until confirmation hearing date.

**5. [X] FAILS SECTION 1325(a)(9):**

• IRS Tax Returns: Debtor to provide evidence of having filed 2014 -2017 federal tax returns.

**[X] OTHER:**

1. Amend SOFA to disclose transfer of Jeep Cherokee, which has a BPPR secured claim. Debtor avers that he did not receive any funds. Debtor testified he transferred it to a lady that went to his business and debtor gave it to her because he could not pay it. He had evidence of some payments made by her, then allegedly the lady disappeared. The name of the transferee was Miriam Hernandez. Debtor does not know her address. 2. Amend SOFA to disclose transfer of 2017 Nissan Frontier owed to First Bank. Debtor averred he will provide relief from stay and delete surrender provision since he does not have the auto. The person to whom it was transferred is Jose Ramos and told debtor that he lives in Aguas Buenas. Debtor avers he transferred the auto to Mr. Ramos because debtor could not pay it. 3. Amend SOFA to disclose address in all entries of Navarro's Cafe at Part 11, Question 27 as Comunidad Navarro, Street No.1, #101, Gurabo, PR 00778. 4. Amend SOFA to disclose correct amount of gross income from his two businesses. The amended SOFA discloses net business income, per presiding officer's review of state tax returns. 5. Plan will provide relief from stay for BPPR auto loan. Amended plan has not been filed. Also, will provide relief from stay for First Bank's lease. 6. Schedule I discloses debtor's net business income in the amount of \$1,1995.92. Clarify if this income is from both business. 7. 1. Plan does not provide for priority claim #3 by Department of Treasury. 8. 2. Debtor alleges he owes the IRS. Debtor to verify if he has priority debts and amend plan and Schedule E/F accordingly.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

/s/ Pedro R Medina

Pedro R Medina

Atty: ROBERTO FIGUEROA

USDC #226614

**ALEJANDRO OLIVERAS RIVERA**

Chapter 13 Trustee

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